

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, April 12, 2003 - - 9:30 a.m.

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Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Ms. Steele, Interim Director of Human Services; Mr. Neckel, Director of Finance; Ms. Chis, Director of Social Services, and Staff; Ms. Barnett, Deputy Director of Recreation, Parks and Cultural Activities; Ms. Fogarty, Director of Planning and Zoning; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Mr. Farner and Mr. Tate, Urban Planners; Public Information Officer Gordon; Mr. Kincannon, Deputy Director of Recreation, Parks and Cultural Activities; Ms. Davis, Director of Housing; Mr. Dahlberg, Director of Code Enforcement; Director of Citizen Assistance Boyd; Deputy Director of Housing Eiffert; City Engineer Baker; Police Chief Samarra; Public Affairs Officer Pinckney; Budget Analyst Taylor; and Police Lieutenant Uzzell.

Recorded by: Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

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## OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present, with Councilwoman Woodson arriving at 9:36 a.m., and Councilwoman Pepper, at 9:39 a.m.

### 2. Public Discussion Period.

(a) William Hahn, 1250 South Washington Street, #604, speaking on behalf of Porto Vecchio residents, raised concerns they have with VDOT's proposed temporary location of the access road to Porto Vecchio and lack of a traffic light during the construction on South Washington Street. He asked that construction be stopped until VDOT meets with Transportation and Environmental Services Director Baier to make alternative arrangements.

(A copy of Mr. Hahn's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 4/12/03, and is incorporated herewith as part of this record by reference.)

Mayor Donley advised that he will raise this at the next meeting of the Woodrow Wilson Bridge Design Team and asked staff to draft a letter to Nick Nicholson of the Woodrow Wilson Bridge Design Team relating this concern which we would like to address at the next meeting.

(b) Ardith Campbell Dentzer, 1204 South Washington Street, representing Hunting Towers and Hunting Terrace Tenants Association, expressed their full agreement with Porto Vecchio's interests and added that they would also like to be able to turn left onto Washington Street where it is not now allowed.

(A copy of Ms. Dentzer's handout is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(b); 4/12/03, and is incorporated herewith as part of this record by reference.)

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR**

#### **Planning Commission**

None.

### **END OF ACTION CONSENT CALENDAR**

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

3. Public Hearing on the City's Draft One-Year Action Plan for Housing and Community Development for FY 2004.

(A copy of the City Manager's memorandum dated April 1, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Zondra Anderson, 5249 Duke Street, #308, Northern Virginia Family Services and Alexandria Transitional Housing Program, spoke in support of the plan;

Lynette M. Hart, 121 East Raymond Avenue, a recipient of the program, conveyed her dissatisfaction with a home rehabilitation loan she received under CDBG funding from HUD, and she will submit her formal letter of complaint to the Mayor and HUD;

Mayor Donley told Ms. Hart that when she submits her letter, he will address it directly with the Office of Housing and get back to her as quickly as possible.

Councilman Euille related his past experience with participants having similar experiences, and he requested the City Manager and Housing office to look into the problems in this program. The City Manager stated that if there is a problem, we will find it, and it will be fixed.

Michael Caison, 4827 West Braddock Road, Apt. 101, representing the Affordable Housing Advisory Committee; spoke in support of the Consolidated Action Plan;

Nancy Carson, 301 West Masonic View Drive, representing the citizen group Housing Action, commended Council for its leadership on housing issues, and she offered Housing Action's assistance to the City;

(A copy of Ms. Carson's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 3; 4/12/03, and is incorporated herewith as part of this record by reference.)

Mary Riley, 202 East Alexandria Avenue, Homeless Services Coordinating Committee, spoke to the continued need for services to the City's homeless;

(A copy of Ms. Riley's statement and handout is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 3; 4/12/03, and is incorporated herewith as part of this record by reference.)

Fran Becker, 930 North Henry Street, Carpenter's Shelter, read a statement from a client, Gwen Ross, 3513 Commonwealth Avenue, Apt. 2, a resident of Lynnhaven Apartments, who described her personal experiences with the transitional housing program. She asked for Council's continued support; and

(A copy of Ms. Ross' letter is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 3; 4/12/03, and is incorporated herewith as part of this record by reference.)

Councilwoman Woodson reported that the Alexandria Interfaith Alliance has challenged Council to come up with 300 additional units of affordable housing, and she suggested that instead of requiring a certain number of market-rate units within any affordable development, we might want to consider easing the current policy so that the City could support a smaller rehab.

Shamso Mohamed, 314 South Whiting Street, Apartment K-14, who is a member in the program, reported on all that he has accomplished in the year he has participated and spoke in support of the plan.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council: (1) closed the public hearing on the Draft One-Year Action Plan for Housing and Community Development for FY 2004, which includes the City's application for Federal Fiscal Year 2003 funding for \$1,533,000 in Community Development Block Grant (CDBG) monies and \$909,647 in Home Investment Partnerships Program (HOME) monies; and (2) docketed the Action Plan and Community Development Block Grant and Home Investment Partnerships Program applications for final Council consideration on May 13, 2003. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	out of room
	Woodson	"aye"	

4. Public Hearing on and Consideration of the Taxi Cab Task Force Report.  
[WS 2/25/03; #14 1/28/03; #17 11/26/02]

(A copy of the City Manager's memorandum dated April 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference.

A copy of the letter from Mr. Rich, attorney for Yellow Cab Company, dated April 4, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference.

A copy of the Alexandria United Taxidriers Organization (AUTO) plan for reform of the Alexandria taxi system dated April 11, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 3 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Chet Avery, 16 East Linden Street, Citizen Member of the Alexandria Commission on Persons with Disabilities and the Taxicab Task Force; spoke in support of keeping control of certificates under the management of the cab companies; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference.)

Richard C. Walker, Jr., 5032 Gardner Drive, past president of the Board of Senior Services, spoke against making any change to the system, and to do what needs to be done to address the drivers' issues;

Mulugeta A. Yimer, 2130 Glade Drive, Ethiopian Committee of Alexandria United Taxidriers Organization (AUTO), spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Tom Walczykowski, 405 Cloverway Drive, representing the Traffic and Parking Board, spoke against making any changes to the City's taxi regulations;

Timothy Whitehead, PO Box 494, taxicab driver, spoke in support of the AUTO proposal;

Jim Yates, 3025 Mount Vernon Avenue, owner of Alexandria Diamond & Yellow Cab, spoke in support of Yellow Cab's proposal;

Abdulkarim Sharmarke, 6420 Edsall Road, Somali Committee of AUTO, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

John Muir, 6602 Indian Trail Court, a member of the Task Force and Manager of Alexandria Diamond Cab, spoke against supporting a medallion system;

In response to Councilwoman Woodson's inquiry, Transportation and Environmental Services Director Baier confirmed that the Task Force did not vote on a medallion system.

Mohamud Alasso, 5542 Ascot Court, #21, representing AUTO, spoke in support of its proposed system;

Jacob Mayhew, 6254 Quander Road, Alexandria Yellow Cab, spoke in support of having a strong dispatch system;

Ahmed Latif, 3706 Mount Vernon Avenue, representative of White Top Cab Company, supports the recommendation of the Task Force;

Lonnie C. Rich, 101 West Uhler Terrace, attorney for Yellow Cab Company, spoke to Yellow Cab's proposal and in support of the reduction of certificates;

Mr. Rich responded to questions regarding reduction of certificates posed by Councilwoman Woodson, and Mayor Donley participated in the discussion.

Teshome Workagegnehu, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Ayele Abebe, 5313 Montgomery Street, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 8 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Kohistany A. Shah, 6657 Kelsey Point Circle, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 9 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Joseph G. Feghali, 11202 Chase Commons Drive, Burke, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 10 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Gattew Teferi, 6914 Ashbury Drive, Springfield, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 11 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Abebe Kebede, 6475 Rockshire Court, oldest son of taxicab Kebede Chikssa, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 12 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Randy Stevens, 402 East Clifford Avenue, taxicab operator, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 13 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Transportation and Environmental Services Director Baier addressed Councilwoman Woodson's inquiries about the medallion system. City Attorney Pessoa and Councilman Euille participated in the discussion.

Tesfay H. Berhoun, 3805 Mount Vernon Avenue, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 14 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Daniel Tilahoun, 3805 Mount Vernon Avenue, AUTO member, spoke in support of the AUTO proposal; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 15 of Item No. 4; 4/12/03, and is incorporated herewith as part of this record by reference;

Beke le Zedeka, 811 South Harrison Street, AUTO member, spoke in support of the AUTO proposal;

Aboul Nassir, 7020 Achilles Court, leader of the Afghan community of AUTO, spoke in support of the AUTO plan;

Cephas Agorkle, 15715 Palermo Terrace, AUTO member, spoke in support of the AUTO proposal; and

Waqar Umer, 7706 Jansen Drive, UTOP and AUTO member, spoke in support of the AUTO proposal.

The public hearing was closed.

Council discussed this matter at some length. Councilman Euille asked what impacts a change in the certificates might have on the City's DOT program, and Transportation and Environmental Services Deputy Director Culpepper responded.

**WHEREUPON**, a motion was made by Councilman Speck, and seconded by Councilwoman Eberwein, to close the public hearing and ask the City Manager to come back to Council with a recommendation on enacting an alternative dispute resolution program; a reduction of the number of taxicabs as part of an annual review or any other assessments he wants to make on that; and also to give us recommendations on some process by which we monitor and ensure that the taxicab companies are meeting the various obligations that we expect of them in a routine fashion.

Vice Mayor Cleveland asked if the maker and seconder would agree to an amendment to add a request to have the City Manager check into the paratransit services of Fairfax and Arlington Counties, which is provided by all companies, so that those who are handicapped or disabled will have a greater choice in companies.

The maker and seconder of the motion did not accept Vice Mayor Cleveland's amendment to the motion, but Councilman Speck agreed that Council could ask the City Manager to give us a report on that.

There was discussion on the motion.

Vice Mayor Cleveland asked that the City Manager return to Council with a report to address the question of giving persons with handicaps or disabilities a greater transportation choice than the one company now available to them in the City, and how we might be able to expand the number of vehicles that are ADA-accessible.

Mayor Donley requested that the City Manager report back to Council with figures that Council could use to establish what might be the target for the number of taxicabs per thousand as a goal for a potential standard in order to provide an adequate supply, which would mean that our drivers are going to make more money so that we can provide service that would accommodate growth and still keep us competitive.

**THEREUPON**, a substitute motion was made by Councilwoman Woodson, seconded by Vice Mayor Cleveland and failed on a vote of 2-to-5, to direct staff to determine how many certificates are needed per population, whatever that figure is to be; to codify a dispute resolution as the staff has presented in the memorandum dated April 8, 2003; and in that it does discuss shared expenses for the second step of the process; we should codify the minimum term of contracts so that driver and company contracts must be for at least a certain period of time, that give both parties to the contract security; provide the certificates to the drivers; the same kind of control mechanisms will exist as do exist now over driver behavior; the drivers cannot transfer the certificates by sale if the driver leaves the industry; they must give the certificate back to the City; the drivers must enter into a contractual arrangement with the company in order to drive. The voting was as follows:

Woodson	"aye"	Eberwein	"no"
Cleveland	"aye"	Euille	"no"
Donley	"no"	Pepper	"no"
	Speck	"no"	

**WHEREUPON**, Council returned to the main motion made by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 6-to-1, City Council closed the public hearing and asked the City Manager to come back to Council with a recommendation on enacting an alternative dispute resolution program; a reduction of the number of taxicabs as part of an annual review or any other assessments he wants to make on that; and also to give us recommendations on some process by which we monitor and ensure that the taxicab companies are meeting the various obligations that we expect of them in a routine fashion. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson	"no"	

At 1:20 p.m., City Council took a short break.

At 1:42 p.m., City Council reconvened the meeting.

5. Public Hearing on and Consideration of the Revisions to the Windmill Hill Park Concept Plan. [#16 2/25/03]

(A copy of the City Manager's memorandum dated April 7, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference.

A copy of a verbatim transcript of Councilwoman Woodson's substitute motion is on file in the office of the City Clerk and City Council, marked Exhibit No. 3 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

David Albright, 435 South Lee Street, asked that the Task Force's amended plan be substituted for Council's plan;

"Van" Van Fleet, 26 Wolfe Street, Waterfront Alliance member, commented on the amount of enforcement that would be required by City Council's plan and requested that Council go back to the original plan;

Carolyn Merck, 324 North Royal Street, representing Old Town Civic Association, endorsed 9 of the 12 items in the City Manager's memorandum; however, urged the removal of item nos. 3, 9 and 12 from the list of revisions for the park plan and that they be replaced with two new ones: (1) the park organization plan as submitted by the Windmill Hill Park Steering Committee with regard to the location of the volleyball court and the dog exercise area replace the current proposed plan and (2) that a design similar to one submitted by Councilwoman Woodson at the February 25 legislative meeting improving the existing dog river access point be added; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference;

Jon Wilbor, 310 South Lee Street, echoed Carolyn Merck's remarks and endorsed adoption of the amended Windmill Hill Task Force recommendation, and he presented Council with an additional petition with 50 signatures; a copy of which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference;

Deborah Bigalow, 423 South Lee Street, spoke for the park to be left as is and against the proposed, revised plan, with only minor improvements being made; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference;

Jennifer Hollings, 511 South Lee Street, urged Council to leave the existing open space unobstructed; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference;

Robert Odle, 476 South Union Street, stated that too much time has been spent talking about where Old Town dogs swim and not nearly enough emphasis on where middle-class children are to play, and that no citizen in Alexandria will be able to keep a boat at the former Old Town Yacht Basin. He stated the time has come to make a decision;

Andrew MacDonald, 513 Robinson Court, former chair of the Windmill Hill Park Task Force, related his wife's concern about the placement of the basketball court next to the volleyball court, and he urged Council to adopt the Steering Committee's recommendation;

Kirk Fedder, 113 West Maple Street, vice chair, Park and Recreation Commission, endorsed the plan for Windmill Hill Park;

Bruno Mahlmann, 412 Wilkes Street, spoke in support of the recommended, original Steering Committee Plan;

Cathleen Curtin, 412 Wilkes Street, spoke in support of the Steering Committee's Concept Plan and asked that Council vote today; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 8 of Item No. 5; 4/12/03, and is incorporated herewith as part of this record by reference;



Lawrence O'Connor, 207 South Lee Street, raised his concern about children crossing Union Street, against item nos. 3, 9 and 12 of the City Manager's revised plan, and in support of the original Concept Plan;

Teresa Miller, 808 South Lee Street, spoke against the location of the north river access for dogs and to her concern about the need for a fence to keep balls from rolling into Gibbon Street;

Frank M. Foley, 102 Gibbon Street, spoke against item nos. 3, 9 and 12 of the Revised Concept Plan and asked that a vote be made today;

Susan Tuttle, 521 South Lee Street, spoke against moving the volleyball court beside the basketball court, requested that more time and money be spent maintaining and beautifying the park, and to please vote today;

Alexandria R. Berry, Jr., 110 Gibbon Street, urged Council to take action today. He does not endorse the current plan as proposed but endorses extending the sidewalk on the north side of Gibbon Street to Union Street, moving the basketball court to the north but leaving the volleyball court where it is now;

Michael Scotch, 1167 Gibbon Street, stated his support for a single, large space for children to play and urged adoption of the original plan;

Robert Ray, 400 Prince Street, urged adoption of the original plan;

Kathleen Waugh, 27 Wilkes Street, spoke in support of the Concept Plan recommended by the Task Force, and proposed that the park be more child-friendly;

Stephen Fuller, 5 Potomac Court, spoke in support of putting the park back to the way it was, with the safety improvements;

Michael and Chantal Jennings, 10 Potomac Court, spoke in support of the Citizen Task Force recommended plan;

Marilyn Kott, 118 Gibbon Street, spoke to keep the park configuration the way it is and adopt the Citizen Task Force concept plan, without item nos. 3, 9 and 12;

Bill Pryce, 322 South Lee Street, and his family, supports the Citizen Task Force recommendation;

Dennis Kux, 125 Duke Street, spoke in support of the Citizen Task Force plan;

Councilwoman Eberwein and Councilwoman Pepper participated in a discussion with Recreation and Parks Director Whitmore about funding of the park plan.

Ruben Duran, 831 Bashford Lane, #4B, spoke in support of leaving the park as it is;

Llewellyn Bigelow, 423 South Lee Street, spoke in opposition to the revised plan;

Tina Lamoreaux, 116 Wolfe Street, stated that the current setup works well and opposes moving the dog walk, and that item nos. 3, 9 and 12 be removed from the proposed plan;

George G. Boteler, 320 South Lee Street, spoke in support of the Citizen Task Force Concept Plan, and urged that item nos 3, 9 and 12 be stricken from the plan;

Denise Bell, 223 South Lee Street, requested that no changes be made;

Patrick Lawver, 831 Bashford Lane, #303, spoke in support of the Citizen Task Force Plan;

Mayor Donley and Recreation and Parks Director Whitmore responded to questions about funding and potential cost savings.

Kristy Kusumoto, 211 Duke Street, urged that Council not proceed with the current, proposed changes and leave things as they are;

Terri Beleher, 330 South Lee Street, explained that she brought her young son with her to view government in action, and Mayor Donley explained to him why the dog park is being changed;

Julie Crenshaw, 816 Queen Street, urged Council to leave well enough alone and to adopt the revised plan without items nos. 3, 9 and 12;

Michael E. Hobbs, 419 Cameron Street, spoke to the process and that the City should hold itself to higher standards than those required of citizens;

Jack Sullivan, 4300 Ivanhoe Place, a Member of the Task Force, stated that the dog walk was not appropriate to be located on the waterfront, and that the work of the Task Force was advisory -- not mandated;

Windsor Demaine, 8 Wolfe Street, stated his preference to have no dog entry into the river rather than have an unsafe one, and against the Revised Concept Plan;

Sara Masterson, 101 Pommander Walk, spoke to the need to protect the scenic easement on the waterfront and that we work to keep an uncluttered plan along the riverside on the east side of Union Street in Alexandria;

Kleber S. Masterson, Jr., 101 Pommander Walk, spoke in support of the Task Force Plan or the final Revised Plan, as either one provides a scenic easement east of Union Street alongside the river;

Terri Hallihan, 104 Pommander Walk, spoke in support of voting today, in support of the Task Force Plan and stated that no gazebo should be built on the waterfront; and

Sarita Schotta, 104 Prince Street, spoke against the revised plan.

**WHEREUPON**, a motion was made by Councilman Speck and seconded by Councilwoman Eberwein to close the public hearing and docket this for final action at the second legislative meeting in May.

There was discussion on the motion.

**THEREUPON**, a substitute motion was made by Councilwoman Woodson and seconded by Councilwoman Pepper, to approve the revised Windmill Hill Park Concept Plan: **to change item no. 3 to strike the language that's there now and it would then say "replace the volleyball court where it was"; change language in item no. 4 to replace "family-oriented" to read "appropriate"; eliminate item no. 9; and change item no. 12 to read as follows: "complete the construction of the new dog exercise area, as per the Task Force Plan; and I would like for us to vote on that today."**

**WHEREUPON**, at this time, Council voted on whether to consider the substitute motion for the motion that is on the floor, which carried on a vote of 4-to-3. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"no"
Donley	"no"	Euille	"aye"
	Speck		"no"

**THEREUPON**, City Council returned to the motion made by Councilwoman Woodson, seconded by Councilwoman Pepper, and carried on a vote of 4-to-3, to approve the revisions to the Windmill Hill Park Concept Plan, which Council proposed on February 25, 2003, and the resulting revised Concept Plan, with the following changes: **to change item no. 3 to strike the language that's there now and it would then say: "replace the volleyball court where it was"; change the language in item no. 4 to replace "family-oriented" to read "appropriate"; eliminate item no. 9; and change item no. 12 to read as follows: "complete the construction of the new dog exercise area, as per the Task Force plan; and I would like for us to vote on that today";** so that the Windmill Hill Park Concept Plan, as amended, now reads: (A) Approved the following revisions to the Windmill Hill Park Concept Plan, which Council proposed on February 25, 2003, as amended, and the resulting revised concept plan: (1) Relocate the basketball court to allow for the completion of the sidewalk on the north side of Gibbon Street; (2) Complete the sidewalk on the north side of Gibbon Street between Lee Street and Union Street so it runs to Union Street; (3) Relocate and place the volleyball court adjacent to and just north of the basketball court **Replace the volleyball court where it was;** (4) Remove the asphalt parking lot on the east side of Union Street along Gibbon Street extended, and clean, seed and install family-oriented **appropriate** equipment and furniture; (5) Remove the gates on the east side of Union Street at the Gibbon Street extended area; (6) Reseed the area between Union Street and the basin, provide additional plantings and install family-oriented equipment and furniture; (7) Remove the curb cuts on the east side of Union Street at the Gibbon Street extended area; (8) Restore the area immediately north of the current dog area by trimming overgrowth, removing dead and decayed trees, and planting appropriate new materials; ~~(9) Improve the north end of Windmill Hill Park east of Union Street to allow for safe dog access to the river from the existing ramp;~~ ~~(10)~~ **(9)** Increase the wattage of the lighting in the Wilkes Street tunnel; ~~(11)~~ **(10)** Install pedestrian crosswalks across Union Street where the new pathway from the Wilkes Street tunnel meets Union Street, and approximately where the new sidewalk on the north side of Gibbon Street meets Union Street; ~~(12)~~ **(11)** Complete the construction of the new dog exercise area, **as per the Task Force plan; and I would like for us to vote on that today;** and (B) Authorized the transfer of \$126,295 from the General Fund Contingent Reserves to the Department of Recreation, Parks and Cultural Activities FY 2003 Operating Budget. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"no"
Donley	"no"	Euille	"aye"
	Speck		"no"

6. ENCROACHMENT #2003-0001 -- 6 KING ST -- STARBUCKS COFFEE COMPANY (previous Seaport Inn Restaurant) -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for outdoor restaurant seating; zoned CD/Commercial Downtown. Applicant: Shanna N. Ruhl.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission recommendation dated April 1, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 1 of Item No. 6; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated on the public hearing on this item:

Paul Gaiser, 4963 Elm Street, Suite 103, architect for Starbucks Coffee Company, spoke in support;

Sarita Schotta read the statement of Frank Poland, 215 South Union Street, who operates Old Town Coffee, Tea and Spice, in opposition to the request; and

Julie Crenshaw, 104 Prince Street, spoke in opposition.

City Council participated in a discussion on outdoor seating, and Planning and Zoning Deputy Director Ross responded to questions.

**WHEREUPON**, upon motion by Councilman Speck, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Speck	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson	"aye"	

7. SPECIAL USE PERMIT #2003-0007 -- 602 KING ST -- PITA HOUSE -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Tarek Moukalled, trading as Pita House, by Lonnie C. Rich, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission recommendation dated April 1, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 1 of Item No. 7; 4/12/03, and is incorporated herewith as part of this record by reference.

A copy of a faxed letter from Mr. Rich dated April 11, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 2 of Item No. 7; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Lonnie C. Rich, 101 West Uhler Terrace, attorney for the applicant, spoke in support of the application; and

Carolyn Merck, 324 North Royal Street, Old Town Civic Association, spoke in support.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **as amended, with the deletion of condition no. 22 for the reasons stated in Mr. Rich's letter [dated April 11, 2003]**. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Speck	"aye"	

8. SPECIAL USE PERMIT #2002-0127 -- 334 N PATRICK ST -- Public Hearing and Consideration of a request for a special use permit to allow a lot area of less than 1,980 square feet for two lots, to construct a new single family home, and for a parking reduction; RB-Townhouse Zone. Applicant: William Cromley, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission recommendation dated April 1, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 1 of Item No. 8; 4/12/03, and is incorporated herewith as part of this record by reference.

Copies of photographs on this item are on file in the office of the City Clerk and City Council, marked collectively as Exhibit No. 2 of Item No. 8; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Duncan W. Blair, 524 King Street, attorney for the applicant, spoke in support of the application;

Leslie Zupan, 1309 Queen Street, spoke in opposition; and

Jennifer Gibbins, 902 Pendleton Street, spoke in support.

Councilwoman Pepper and Councilman Speck brought up the issue of this property as open space. Councilman Speck stated his belief that the best choice would be to buy it. City Attorney Pessoa opined that there will not be a taking if Council chooses not to support the special use permit.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-1, City Council approved the Planning Commission recommendation. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"no"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

9. SPECIAL USE PERMIT #2003-0008 -- 800 - 840 N HENRY ST -- ON-SITE SOURCING -- Public Hearing and Consideration of a request for an amendment to the existing conditions of the Special Use Permit; zoned CRMU-H/Commercial Residential Mixed Use-High. Applicant: On-Site Sourcing, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission recommendation dated April 1, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 1 of Item No. 9; 4/12/03, and is incorporated herewith as part of this record by reference.)

The following person participated in the public hearing on this item:

Harry P. Hart, 307 North Washington Street, attorney for the applicant, spoke in support.

Councilwoman Pepper participated in the discussion with Mr. Hart on improvements to the property.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Eberwein	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

10. DEVELOPMENT SPECIAL USE PERMIT #2002-0052 -- 201 N QUAKER LA -- DARTMOUTH PLACE-- Public Hearing and Consideration of a request for a development special use permit amendment to construct a fence with a storage area within a conservation area; zoned R-20/Residential. Applicant: Dartmouth Place Homeowners Association, by Wallace Christner.

COMMISSION ACTION: Recommend Denial 5-2

(A copy of the Planning Commission recommendation dated April 1, 2003, is on file in the office of the City Clerk and City Council, marked Exhibit No. 1 of Item No. 10; 4/12/03, and is incorporated herewith as part of this record by reference.)

A copy of Councilman Speck's Transactional Disclosure Statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 4/12/03, and is incorporated herewith as part of this record by reference.

A copy of a letter from Mr. Christner and Ms. Gayer, applicants, dated April 1, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 10; 4/12/03, and is incorporated herewith as part of this record by reference.)

Councilman Speck declared that he has a material, financial relationship on both sides of this issue; therefore, he disqualified himself from participation.

The following persons participated in the public hearing on this item:

Harry P. Hart, 307 North Washington Street, attorney for the applicant, spoke in support of the application;

Charles McAleer, along with his wife, 1303 Dartmouth Road, spoke in favor of their neighbors' application;

Jack Sullivan, 4300 Ivanhoe Place, representing Seminary Hill Association, spoke against the application to modify the conservation district;

Mr. Sullivan responded to questions directed to him by Council.

Robert J. Koch, 201 North Quaker Lane, spoke in opposition to any amendment in the conservation district but clarified that they have no objection to their neighbors putting up a fence outside the conservation area;

James O. Henriksen, 151 North Quaker Lane, urged Council to turn down the application so as not to lose more of the forested area;

Richard R.G. Hobson, 99 North Quaker Lane, asked that Council deny the application;

Karla Gayer, 1301 Dartmouth Road, applicant, spoke in support of the fence to protect her children from Quaker Lane traffic and offered her preference for a proffer not to use the conservation area for active use; and

Wallace Christner, 1301 Dartmouth Road, applicant, and representing the Dartmouth Place Home Owners Association, spoke in support of the application.

Planning and Zoning Director Fogarty clarified some of the points raised on the approval process to a conservation district. City Council posed questions to Mr. Hart and staff, and they participated in the discussion.

Council discussed the question of precedent with the City Manager and City Attorney.

**WHEREUPON**, a motion was made by Councilwoman Eberwein to uphold the Planning Commission recommendation, which DIED for lack of a second.

**THEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a vote of 5-to-1, City Council overturned the Planning Commission recommendation and granted the special use permit; the applicant's attorney has stipulated that there is not going to be any active recreation within the conservation district; and if there is a wood pile, the wood does not have to come just from trees in that area. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"no"
Donley	"aye"	Euille	"aye"
	Speck		out of the room

## **ORDINANCES AND RESOLUTIONS**

11. Public Hearing, Second Reading and Final Passage of an Ordinance to adopt the Eisenhower East Small Area Plan as a chapter of the 1992 Master Plan of the City of Alexandria. [#19 4/8/03] **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was closed.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4293

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2003-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2003-0002, the planning commission, on its own motion, initiated a comprehensive amendment to the 1992 Master Plan (1998 ed.) of the City of Alexandria, by adopting a new Eisenhower East Small Area Plan Chapter, and removing the area covered by the new chapter from the existing King Street/Eisenhower Avenue Metro Station Small Area Plan Chapter.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Eisenhower East Small Area Plan, attached hereto and incorporated fully herein by reference, be, and the same hereby is, adopted as part of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 2. That the existing King Street/Eisenhower Avenue Metro Station Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, be, and the same hereby is, amended to remove therefrom the area covered by the Eisenhower East Small Area Plan Chapter, and all provisions of the King Street/Eisenhower Avenue Metro Station Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendments, as part of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.



Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Attachment: Eisenhower East Small Area Plan

Introduction: 04/08/03  
First Reading: 04/08/03  
Publication: 04/10/03  
Public Hearing: 04/10/03  
Second Reading: 04/12/03  
Final Passage: 04/12/03

\* \* \* \*

The attachment to Ordinance No. 4293 is on file  
in the office of the City Clerk and Clerk of Council, and is  
incorporated herewith as part of this record by reference.

\*\*\*\*\*

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the map and text of the Zoning Ordinance of the City of Alexandria to implement the Eisenhower East Small Area Plan Chapter of the 1992 Master Plan of the City of Alexandria. [#20 4/8/03] **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was closed.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The ordinance reads as follows:

ORDINANCE NO. 4294

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES); to amend and reordain and Paragraph (2) (CDD No. 2 EISENHOWER AVENUE METRO) of, and to add a new Paragraph (11) (CDD No. 11 SOUTH CARLYLE) to, Subsection (A) (CDD DISTRICTS), of Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS), all of the City of Alexandria Zoning Ordinance, in accordance with the said zoning map and text amendments heretofore approved by city council as Rezoning No. 2003-0001 and Text Amendment No. 2003-0001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2003-0001 and Text Amendment No. 2003-0001, the planning commission on its own motion initiated the comprehensive rezoning of the area comprising the Eisenhower East Small Area Plan;
2. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended, and
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, shown on Exhibits 1-1 and 1-2, attached hereto and incorporated fully by reference, be, and the same hereby are, amended by changing, in the manner set forth in the said Exhibits, the zoning classification of the property therein described.

Section 2. That Paragraph (2) of Subsection (A) of Section 5-602 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as shown on Exhibit 2, attached hereto and incorporated fully by reference.

Section 3. That Subsection (A) of Section 5-602 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding there to a new Paragraph (11), as shown on Exhibit 3, attached hereto and incorporated fully by reference.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing map and text amendments.

Section 5. That the Sheets of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 1 of this ordinance, and Section 5-602, as amended pursuant to Section 2 and Section 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

KERRY J. DONLEY  
Mayor

Attachments: Exhibits 1-1, 1-2, 2 and 3

Introduction:	04/08/03
First Reading:	04/08/03
Publication:	04/10/03
Public Hearing:	04/10/03
Second Reading:	04/12/03
Final Passage:	04/12/03

REVISED  
PROPOSED ZONING  
CITY OF ALEXANDRIA  
02-26-2003

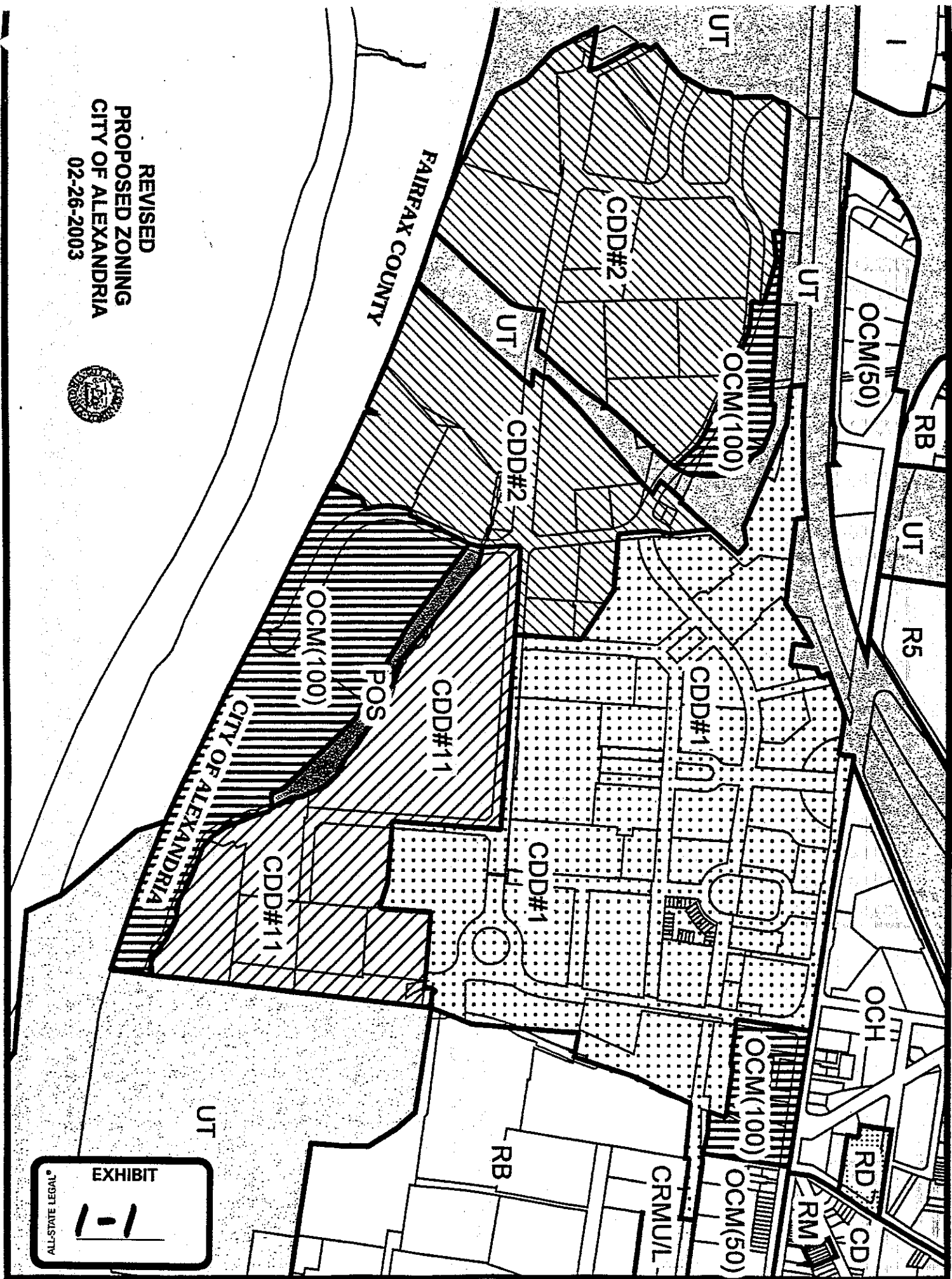


EXHIBIT  
1-1  
ALL-STATE LEGAL

Tax Map No.	Property Address	Owner	Current Zoning	Proposed Zoning
072.00-02-16	2345 Mill Road	Thomas Andrews Ptnrshp.	CDD-1	CDD-2
072.00-02-18	2347 Mill Road	Thomas Andrews Ptnrshp.	CDD-1	CDD-2
073.03-01-01	2111 Eisenhower	2111 Eisenhower Ave. Ltd. Ptnrshp.	OCM(100)	CDD-2
073.03-01-02	2121 Eisenhower	Simpson Development Corp.	OCM(100)	CDD-2
073.03-01-03	2320 Mill Road	Simpson Mill Rd. Family LP	OCM(100)	CDD-2
078.00-01-05	2200A Mill Road	Gateway South Assoc.	OCM(100)	CDD-2
079.00-01-01	2000 Eisenhower	Hoffman Family LLC	CDD-2	CDD-11
079.00-01-09	350 Hooff's Run	Hooff Fagelson Tract LLC	OCM(100)	CDD-11
079.00-01-11	310 Hooff's Run	Alexandria Mini Storage	OCM(100)	CDD-11
079.00-01-12	340 Hooff's Run	Virginia Concrete Co.	OCM(100)	CDD-11
079.00-01-13	1700 Eisenhower	City of Alexandria Sanitation Auth.	OCM(100)	CDD-11
	1800			
079.00-01-15	Ave.	Carlyle Development Corp.	OCM(100)	CDD-11
	1600	City of Alexandria Sanitation		
079.00-01-16	Eisenhower	Auth.	CDD-1	CDD-11
079.00-01-17.L1	414 Hooff's Run	Hooff Fagelson Tract LLC	OCM(100)	CDD-11
079.00-01-17.L2	454 Hooff's Run	Hooff Fagelson Tract LLC	OCM(100)	CDD-11
079.00-01-17.L4	310 Hooff's Run	Hooff Fagelson Tract LLC	OCM(100)	CDD-11

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum FAR and/or Development Levels	Maximum Height	Uses
2	Eisenhower Avenue Metro	OC zoning regulations apply except that: - maximum FAR is 1.25, except 2.0 with an architectural design SUP as specified in the master plan - maximum heights shall be 150 100 feet, provided that there shall be a variety of heights, and provided further that one building on the area known as Hoffman Tract may rise to 225 feet with an architectural design SUP, in addition to any previously approved buildings in the Miff-Race Project except on property known as the Hoffman Tract, where the maximum height shall not exceed 150 feet. Any project proposed for development under the OC Office Commercial zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan. Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel.	<del>2.5 except</del> <del>2.75 for projects within 1,000 feet of Metro providing affordable housing in accordance with the guidelines in the CBDP</del> The development controls for each development block including allowable gross floor area (AGFA), maximum building height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-9 of the Eisenhower East Small Area Plan. In addition, development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan.	200 feet, with a maximum average of 150 feet, except: (1) one building to 225 feet, or (2) one building to 270 feet in conjunction with any proposal for the US Patent and Trademark Office, and (3) 250 feet with an average of 200 feet for buildings within 1,000 feet of Metro providing affordable housing in accordance with the guidelines in the CBDP. The development controls for each development block including maximum building height, are delineated in Figure 4-9 of the Eisenhower East Small Area Plan.	Mix of uses including office, residential and retail along with active and passive recreation opportunities.



CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum FAR and/or Development Levels	Maximum Height	Uses
11	South Carlyle	OCM(100) zoning regulations shall apply except that: - maximum FAR without an SUP shall be 1.0 - maximum height without an SUP for all property within the South Carlyle CDD shall not exceed 100 feet. Any project proposed for development under the OCM(100) Office Commercial Medium zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan. Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel.	The development controls for each development block including allowable gross floor area (AGFA), maximum building height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan. In addition, development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan.	The development controls for each development block including maximum building height, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan.	Mix of uses including office, residential and retail along with active and passive recreation opportunities.

13. (a) Public Hearing, Second Reading and Final Passage of an Ordinance to amend the fire prevention regulations in the City Code to establish a fire protection system retesting program. [#21 4/8/03] **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated April 3, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 13(a) and 13(b); 4/12/04, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was closed.

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

#### ORDINANCE NO. 4295

AN ORDINANCE to amend and reordain subsection (16) of section 4-2-21 (CHANGES IN VIRGINIA STATEWIDE FIRE PREVENTION CODE) of Article B (FIRE PREVENTION), Chapter 2 (FIRE PROTECTION AND PREVENTION), Title 4 (PUBLIC SAFETY), of The Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That subsection (16) of section 4-2-21 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 4-2-21           Changes in Virginia Statewide Fire Prevention Code.

(16) Chapter 5 is amended by amending subsections F-501.4.1, F-501.4.3, F-506.1, F-507.1, F-508.1, F-509.1, F-510.1, F-511.1, F-512.1, F-513.1, F-514.1, F-516.6, F-517.3 and F-518.2 to read as provided herein and by adding thereto new subsections F-504.6, F-504.7, F-504.9 and F-504.9 to read as provided herein:

F-501.4.1 Test records: A complete written record of all tests and inspections required under this chapter shall be maintained on the premises by the owner or occupant responsible for said premises and a copy of any such record shall be provided to the code official after the completion of any test or inspection. Accurate logs shall be maintained, indicating the number, location and type of device tested. Any defect, modification or repair shall be logged, and the log shall be made available to the code official.



F-501.4.3 Test responsibility and notification: The code official shall not be held responsible for any damages incurred during any test required under the provisions of this chapter. Any test required under the provisions of this chapter shall be performed in the presence of the code official, unless such requirement is waived by the code official. Any such test shall be scheduled at the convenience of the owner or occupant responsible for said premises and the code official.

F-504.6 Fire watch: A fire watch shall be established whenever any fire protection system is unable to provide the protection for which it was designed. This fire watch shall be maintained until the system has been restored to normal operation. A written log of the fire watch shall be maintained for inspection by the fire marshal. Such log shall indicate the name and address of the person maintaining the watch, and describe the persons activities during the watch. All areas subject to the watch shall be checked at 15 minute intervals.

F-504.7 Tampering: It shall be unlawful for any person to tamper with, damage, destroy, or use without just cause or authorization any fire protection system or fire extinguisher installed in any building or structure within the city.

F-504.8 Key repository: Owners of buildings in which fire alarm or fire suppression systems are installed after June 14, 1997, shall provide a key repository to the satisfaction of the fire marshal. This key repository shall be of a type approved by the fire marshal and shall be located on the exterior of the building, near the main entrance. Keys shall be placed in the repository to allow the fire department access to investigate alarms of fire reported from the building.

F-504.9 All buildings that have a fire control room shall equip that room with an operations book. The fire official shall review and approve the contents of such book.

F-506.1 Water-based extinguishing systems: All water sprinkler and water-spray extinguishing systems and standpipe systems shall be periodically inspected , tested and maintained in accordance with the requirements of NFPA 25 listed in Chapter 44. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-507.1 Periodic testing and inspection: All foam-extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 11, 11A and 16 listed in Chapter 44. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-508.1 Periodic testing and inspection: All carbon dioxide extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 12 listed in Chapter 44 and Sections F-508.2 through F-508.6. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-509.1 Periodic testing and inspection: All halogenated extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 12 A listed in Chapter 44 and Sections F-509.2 through F-509.5. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-510.1 Periodic testing and inspection: All clean agent fire extinguishing systems shall be maintained, periodically inspected and tested in accordance with the system manufacturer's instructions. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-511.1 Periodic testing and inspection: All dry-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 17 listed in Chapter 44 and Sections F-511.2 and F-511.3. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-512.1 Periodic testing and inspection: All wet-chemical extinguishing systems shall be maintained, periodically inspected and tested in accordance with NFPA 17A listed in Chapter 44 and Sections F-512.2 and F-512.3. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-513.1 Periodic testing and inspection: All fire alarm systems shall be maintained, periodically inspected and tested in accordance with NFPA 72 listed in Chapter 44 and Sections F-513.2 and F-513.3. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-514.1 Periodic testing and inspection: All automatic fire detection systems shall be maintained, periodically inspected and tested in accordance with NFPA 72 listed in Chapter 44 and Sections F-514.2 through F-514.10. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-516.6 Inspection, testing and maintenance: All fire pumps shall be inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 44. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-517.3 Inspection, testing and maintenance: Water tanks and water service mains shall be periodically inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 44. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

F-518.2 Inspection, testing and maintenance: All fire department connections shall be periodically inspected, tested and maintained in accordance with NFPA 25 listed in Chapter 44. Any required inspections and tests shall be performed in the presence of the code official, unless such requirement is waived by the code official. Fees for the attendance of the code official shall be charged in accordance with the fee schedule of the code enforcement bureau.

Section 2. That in preparing the codification of this ordinance, the city attorney, in consultation with the code official, is authorized to make such technical conforming amendments as may be necessary to reflect uniform nomenclature, upgrade reference citations, and address like matters, in this ordinance and the city code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Introduction: 04/08/03  
First Reading: 04/08/03  
Publication: 04/10/03  
Public Hearing: 04/10/03  
Second Reading: 04/12/03  
Final Passage: 04/12/03

\* \* \* \* \*

(b) Consideration of Resolution authorizing the establishment of fees to cover the costs of the Fire Protection System Retesting Program, in the amount of \$20 per quarter hour per employee. **[ROLL-CALL VOTE]**

**WHEREUPON**, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council adopted the Resolution. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

The Resolution reads as follows:

#### **RESOLUTION NO. 2067**

**WHEREAS**, Section 8-1-29(a) of The Code of the City of Alexandria, Virginia, 1981, as amended, provides that all fees for permits, inspections and certificates required by the Virginia Uniform Statewide Building Code shall be as established by resolution of the city council; and

**WHEREAS**, Resolution No. 2031, adopted by City Council on June 11, 2002, which incorporated an attached Fee Schedule, is the most recent establishment of such fees by the Council; and

**WHEREAS**, City Council has determined that the Fee Schedule set forth in Resolution No. 2031 is in need of amendment and adjustment to change the fees charged for permits that authorize the installation or alteration of fire protection systems;

**NOW, THEREFORE, BE IT RESOLVED BY THE  
CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

1. That the Fee Schedule attached hereto, entitled "City of Alexandria, Virginia, Code Enforcement Bureau, Fee Schedule," dated April 12, 2003, is deemed to contain fair and appropriate fees to be paid by persons seeking various permits, inspections and certificates, and other services, from the city's Code Enforcement Bureau;

2. That said Fee Schedule shall be, and hereby is, approved and incorporated by reference in this resolution, and shall, until amended or rescinded, set forth the fees to be charged for various permits, inspections and certificates that are required by the Virginia Uniform Statewide Building Code and are issued by the city's Code Enforcement Bureau, as well as for other services that are performed by the Bureau;

3. That Resolution No. 2031, adopted on June 11, 2002, shall be, and hereby is, rescinded; and

4. That this resolution shall be effective on the date of its adoption, and the attached fee schedule shall, from that date on, be in full force and effect.

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**CITY OF ALEXANDRIA, VIRGINIA**

**CODE ENFORCEMENT BUREAU**

**FEE SCHEDULE**

**April 12, 2003**

The following is a description of the fees to be charged for various permits and certificates issued by, and for various services performed by, the Alexandria Code Enforcement Bureau. No permit or certificate may be issued, nor service rendered, until the applicable fee has been paid in full. Permits remain the property of the City of Alexandria from the time of issuance until time of expiration.

**1. Construction Fees:**

- a. **Basis of Fees:** The fee for each permit for new construction shall be six tenths per cent of (0.6%, or .006 times) the estimated total construction costs. The total construction cost shall **include all involved labor and material** valued at the current retail market value **plus overhead and profit**.

Total construction costs for new construction shall be computed by multiplying the total gross square footage of the structure by the figure in Table 1 of the current "Building Valuation Data Report" as published by Building Officials and Code Administrators International, Incorporated, corresponding to the appropriate use group and type of construction. Total gross square footage is defined as the gross area of each floor, including basement and garage, in addition to the horizontal projection of the roof area including roof overhangs. Separate permits are required for specialty items as described below.

**Exception:** Modular/factory built single family homes.

- b. **Modular or Factory-built homes:** The permit fee for modular or factory-built homes shall be one hundred dollars (\$100).
- c. **Minimum Building Permit Fee:** The minimum building permit fee shall be \$40.
- d. **All other structures:** The permit fee for non-residential tenant improvement (alterations, repairs) shall be calculated at .12 per square foot of gross floor area. The gross floor area shall be the floor area within the perimeter of the outside walls of the building or space under construction. The permit fee for specialty items and residential alterations and repairs shall be calculated at one and two-tenths percent (1.2%) of the total construction cost.
- (1) construction of footings and foundations (when special approval is obtained from the Building Official) prior to issuance of a permit for full construction,
  - (2) installation of retaining walls, signs and other miscellaneous structures, and
  - (3) any other construction or installation not mentioned above.
- Exception:** Minimum permit fee for non-residential tenant improvements for spaces 1500 square feet and less is \$75 unless construction affects structural members, structural loads or arrangement of means of egress, in which case, the fee shall be calculated at \$0.12 per square foot. Category to be determined by the Building Official.
- e. **Extension of Permit:** The fee to extend the life of a permit shall be twenty-five dollars (\$25).
- f. **Amendment of Permit:** The fee to amend a permit to reflect a change in property ownership and/or contractor shall be ten dollars (\$10).
- g. **Building Code Modification Fee:** The fee to process an application for a modification to the Uniform Statewide Building Code shall be a hundred dollars (\$100).
- h. **Certification of Use and Occupancy:** The fee for a Certificate of Use and Occupancy for a one or two family dwelling shall be \$125. The fee for a Certificate of Use and Occupancy for a commercial tenant space 500 square feet and less is \$100; for a tenant space between 501 and 1500 square feet shall be \$125, and any space greater than 1500 square feet shall be \$150. A Certificate of Use and Occupancy for the shell and core areas of any building shall be \$500 and the Master Certificate of Use and Occupancy shall be \$150.
- i. **Relocation:** The fee for a building permit to remove a building or structure from one lot to another or to a new location on the same lot shall be one and two-tenths percent (1.2%) of the estimated cost of moving plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

**Demolition:** The fee for a permit to demolish a building or structure shall be one hundred dollars (\$100) for each building or structure. A performance bond or cash deposit will be required in the amount of one dollar per square foot (\$1.00/sq.ft.) for the gross square footage of the

building to be razed, for the purpose of assuring the completion of demolition, securing the site for public safety, finished grading, sodding/seeding of the site and other necessary measures to prevent soil erosion. The minimum cash deposit or bond shall be one thousand dollars (\$1,000). Should the bond/cash deposit not adequately fulfill this purpose, the City of Alexandria shall have the right to place a lien on the property in an amount sufficient to reimburse it for its expenses made to enforce or accomplish compliance with the above to the extent the same are not adequately provided for by the bond.

- k. **Deposit for Plans Review:** For those permit application which require plans review, twenty percent (20%) of the estimated permit fee will be deposited with the City of Alexandria at the time of submission as payment for the plans review. This deposit is non-refundable and the amount will be deducted from the total permit fee at the time of permit issuance.
  
- l. **Fee for Plan Revisions and Amendments:** Applicants will be charged for all plan reviews subsequent to the initial plan review due to revisions or amendments in the plan, and for all changes to approved plans. A flat rate fee of \$50 per trade discipline (i.e., plumbing, electrical, mechanical, structural and fire protection) will be assessed for new commercial and multi-family construction plan revisions/amendments. A flat fee of \$25 per trade discipline will be assessed for commercial alteration and single family residential plan revisions/amendments.
  
- m. **Multiple Reinspections:** Routine inspections are defined as one inspection and one reinspection. In the event that more that one reinspection is required to approve any elements of construction, and administrative fee of \$50 will be applied to the second and each subsequent reinspection. No second or subsequent reinspection will be conducted unless the applicant has paid any previous administrative reinspection fee.

2(A). **Electrical Fees - Residential**

- a. The fee for services in residential use shall be as follows:  

100 amperes or less	\$ 48.00
101 to 200 amperes	\$ 96.00
201 to 300 amperes	\$144.00
301 to 400 amperes	\$192.00
  
- b. The fee for supplemental electrical work in one/two family use groups shall be forty dollars (\$40).

2(B). **Electrical Fees (Other than One/Two Family Dwellings)**

- a. **New Construction:** The electrical fee for new construction, is included in the base building permit fee. The electrical contractor must obtain an electrical permit at the minimum fee of forty dollars (\$40).
  
- b. **Renovation, Conversion, General Reconstruction:** The electrical fee for renovation, conversion, and general reconstruction shall be two dollars per kilovolt-ampere (\$2.00/kva) rating of each circuit at the service panel, but not less that one and two tenths (1.2%) of estimated cost nor less that forty dollars (\$40).

- c. **Replacement of Equipment, Appliances and Devices:** The electrical fee for replacement of equipment, appliances and devices not requiring replacement or new circuit shall be two dollars per kilovolt-ampere (\$2.00/kva) rating of the replacement item, but not less than one and two tenths percent (1.2%) of estimated cost not less than forty dollars (\$40).
- d. **Service Panel Replacement:** The fee for service panel replacement shall be two dollars per kilovolt-ampere (\$2.00/kva) rating of the new panel, less the kilovolt-ampere (kva) rating of the old panel but not less than one and two tenths percent (1.2%) of the estimated cost nor less than forty dollars (\$40).

## 2(C) Electrical Fees (Special)

- a. The fees for special electrical permits are as follows:
  - (1) **Electrical Signs** - forty dollars (\$40)
  - (2) **Transformers** - The permit fee is based on fifteen cents per kilovolt-ampere (.15/kva) rating of the transformer or a minimum permit fee of forty dollars (\$40), whichever is higher.
  - (3) **Indoor Expositions, Exhibitions** - The permit fee is based on five dollars per three thousand square feet (\$5.00/3,000 sq. ft.) of floor area or a minimum permit fee of forty dollars (\$40), whichever is higher.
  - (4) **Amusement Rides** - Amusement ride inspections are based upon contracts with third party inspectors. The fees to the consumer are calculated at one hundred percent (100%) of the actual costs to the City of Alexandria plus five percent (5%) as administrative fees.
  - (5) **Special Electrical Equipment** - The permit fee for any special electrical equipment not mentioned above shall be determined by the Building Official based on the costs involved in the enforcement of the Virginia Uniform State wide Building Code.

## 3. Elevator Permit and Inspection Fees

Elevator, escalator, dumbwaiter, chairlift, manlift and moving walkway inspection and permit fees are based upon the award of annual contracts to qualified third party elevator inspection services. The fees to the consumer are calculated at one hundred per cent (100%) of the actual cost to the City of Alexandria plus five percent (5%) as administrative fees.

## 4. Plumbing Permit Fees

- a. **New Construction:** The plumbing fee for new construction is included in the base building permit fee. The plumbing contractor must obtain a plumbing permit at the minimum fee of forty dollars (\$40).
- b. **Existing Construction:** The plumbing permit fee for each replacement or alteration to an existing plumbing system shall be forty dollars (\$40) per dwelling unit or non-residential occupancy plus two dollars (\$2.00) each for the fourth and subsequent fixtures, but not less than one and two tenths percent (1.2%) of estimated cost.

5. **Mechanical Permit Fees**

- a. **New Construction:** The mechanical fee for new construction is included in the base building permit fees. The mechanical contractor must obtain a mechanical permit at the minimum fee of forty dollars (\$40).
- b. **New Construction: Existing Construction:** The permit fee for the installation of mechanical systems (which includes gas piping) and equipment shall be forty dollars (\$40) or one and two tenths percent (1.2%) of the total cost of purchase and installation, including materials, overhead and labor, whichever is higher.

6. **Appliance Fees (Electrical or Mechanical)**

The total of permit fees to be collected for the installation of appliances such as garbage disposals, dishwashers, water heaters, air-conditioning units, heating appliances, furnaces and similar equipment shall be forty dollars (\$40) or one and two tenths percent (1.2%) of the total purchase and installation costs, including overhead and labor, whichever is higher.

7. **Additional Special Service Fees**

- a. **Overtime:** Overtime inspections, weekend inspections, holiday inspections, plans review or other use of Code Enforcement services shall be charged at the rate of fifty dollars (\$50) per hour per employee involved in the special service. In the event that this use of special services requires the "call-back" of Code Enforcement employees, a minimum four hour service fee will be charged per employee.
- b. **Work Without Permit:** For all work begun without a permit, for which a permit is necessary, a fee of two times the regular permit fee or two hundred dollars (\$200), whichever is less, will be surcharged to the regular permit fee to offset the administrative costs.

8. **Fire Protection System Permit Fees**

- a. **Fire Suppression Systems:** The permit fee for the installation or alteration of fire suppression systems such as fire sprinkler, standpipe or hood systems shall be forty dollars (\$40) or three and one-half percent (3.5%) of the total purchase and installation costs including overhead and labor or seven dollars and seventy five cents (\$7.75) per head charge, whichever is greater.

**Exception:** No fire protection system permit fee shall be charged for the replacement of Omega sprinkler heads manufactured by the Central Sprinkler Company between 1983 and 1996. All the required inspections following the completion of the work remain intact.

- b. **Fire Alarm Systems:** The permit fee for the installation or alteration of fire alarm systems shall be seventy five dollars (\$75) plus nine dollars (\$9) per each indicating and initiating device or three and one-half percent (3.5%) of the total purchase and installation costs including overhead and labor, whichever is greater.
- c. **Fire Hydrant Flow Rate Testing Fee:** The fee for fire hydrant flow rate testing shall be two hundred dollars (\$200).



9. **Fire Protection System Retesting Fees**

- a. **Retesting Fees:** The fee for fire protection systems required to be inspected and tested on an annual basis shall be twenty dollars (\$20) per quarter hour or part thereof for each inspector required to witness the inspection and test.
- b. **Cancellation Fees:** The fee for cancellation of scheduled retest or inspection of an existing fire protection system shall be one hundred dollars (\$100) for each cancellation.

10. **Residential Rental Permit Fee**

The fee for the issuance or renewal of a residential rental permit shall be \$3.00 per dwelling unit with a minimum fee of \$30.00.

11. **Building Maintenance Code Compliance Date Extension Fee**

The fee for an extension of time in which to comply with a Notice of Violation of a building maintenance code violation shall be \$25.

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**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR (14-17)**

**Planning Commission (continued)**

14. SPECIAL USE PERMIT #2002-0126 -- 4600 DUKE ST, #1410 -- 4600 DUKE CONDOMINIUM -- Public Hearing and Consideration of a request for a special use permit to operate a child care home; zoned RC/Residential. Applicant: Agnes A. Buabeng.

COMMISSION ACTION: Deferred (by unanimous consent)

15. DEVELOPMENT SPECIAL USE PERMIT #2002-0046 -- 4536-4598 EISENHOWER AV -- EXXON-MOBIL @ CLERMONT -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a gas station, convenience store with restaurant and car wash; zoned OCM-100/Office Commercial Medium. Applicant: Exxon-Mobil Corporation, by William C. Thomas, Jr., attorney.

COMMISSION ACTION: DEFERRED (Applicant's request)

16. DEVELOPMENT SPECIAL USE PERMIT #2002-0026 --- ENCROACHMENT #2003-0002 -- STREET NAME, CASE #2003-0002 -- 2201 JEFFERSON DAVIS HY -- POTOMAC YARD - POTOMAC GREENS -- Public Hearing and Consideration of a request for a development special use permit, with site plan and subdivision for construction of residential dwellings, temporary sales trailer, encroachments into the public right-of-way and naming of public streets; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates, LLC, by Jonathan P. Rak, attorney.

COMMISSION ACTION: Deferred 7-0

17. DEVELOPMENT SPECIAL USE PERMIT #2002-0028 -- STREET NAME, CASE #2003-0001 -- 901 SLATER'S LA -- POTOMAC YARD - POTOMAC PLAZA -- Public Hearing and Consideration of a request for a development special use permit, with site plan, and subdivision for construction of retail and restaurant use buildings, sales trailer and to change a public street name; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates, LLC, by Jonathan P. Rak, attorney.

COMMISSION ACTION: Meeting Recessed (new date to be announced)

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Without objection**, City Council noted the deferrals.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously, at 6:00 p.m., the Public Hearing Meeting of Saturday, April 12, 2003, was adjourned. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Speck	"aye"

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**APPROVED BY:**

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**KERRY J. DONLEY**

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**MAYOR**

ATTEST:

\_\_\_\_\_  
Susan K. Seagroves, Deputy City Clerk